IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 16834 of 1994

Between:

The General Managar (Projects), Singareni Collieries Company Ltd., Manuguru, Khammam District.

..... PETITIONER

AND

1 The Industrial Tribunal-I, Rep. Presiding Officer,
Chandra Vihar, M.J.Road, Hyderabad.
2 The Singareni Coal Mines Karmika Sangh (BMS)., Rep. Vice-President.
Head Office, Kothagudem, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Certiorari after calling for the records from the first respondent in I.D.No.20 of 1992 and quash the Award passed therein dated 07/02/1994.

For the Petitioner: MR.K.SRINIVASA MURTHY, Advocate

For the Respondent No.1: MR.R.N.REDDY, Advocate

The Court made the following:

ORAL ORDER:

Heard both sides.

2. This writ petition is directed against the Award, dated 07-02-

1994, passed by the Industrial Tribunal-I, Hyderabad (for short, 'the Tribunal').

3. The Management is the writ petitioner and the respondents are workmen.

4. For the sake of convenience, the petitioner and the respondents will be referred to as "the management and workmen" respectively.

5. The claim of the workmen seems to be that they were not given promotion from Category-I to Category-IV as Tool Room Attendants from the post of General Mazdoor. The tribunal, after recording evidence, both oral and documentary, and appraising the same, held that the workmen were to be promoted to Category-IV from Category-I since they have been performing the duties of Category-IV since a considerable time. This conclusion had been arrived at by the tribunal basing on the evidence adduced on behalf of the workmen particularly Exs.W-1 to W-4.

6. Since the tribunal had passed the impugned order after considering all the questions of fact, I do not find any palpable reason to interfere with the same. This Court cannot reappraise the entire evidence while exercising its jurisdiction under Article 226 of the Constitution of India. Further, it is brought to the notice of this Court that by virtue of interim orders of this Court in W.P.M.P.No.20880 of 1994, dated 22-09-1994, the workmen have already been promoted and only the arrears of salary was stayed. It is further pointed out that since the workmen had already reached their respective scales, the arrears also would be very marginal.

7. For the foregoing reasons, I do not find any merits in the writ

petition and the same is liable to be dismissed.

8. In the result, the writ petition is dismissed. However, there shall be no order as to costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Dated: 18th June, 2004.

Krk/ak*

Copies to
1.The Presiding Officer, Industrial Tribunal-I, Chandra Vihar, M.J.Road, Hyderabad.
2.The Vice-President, The Singareni Coal Mines Karmika Sangh (BMS), Head Office, Kothagudem, Khammam district.
3.Two CD copies.